

PCT COOPERATION TREATY

PCT

NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

Commissioner
 US Department of Commerce
 United States Patent and Trademark
 Office, PCT
 2011 South Clark Place Room
 CP2/5C24
 Arlington, VA 22202
 ETATS-UNIS D'AMERIQUE
 in its capacity as elected Office

Date of mailing (day/month/year) 02 April 2001 (02.04.01)	
International application No. PCT/JP00/04670	Applicant's or agent's file reference 00028PCT
International filing date (day/month/year) 12 July 2000 (12.07.00)	Priority date (day/month/year) 26 July 1999 (26.07.99)
Applicant YAMASHITA, Osamu et al	

1. The designated Office is hereby notified of its election made:

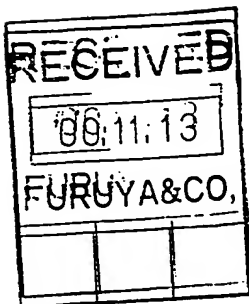
☒ in the demand filed with the International Preliminary Examining Authority on:
 27 December 2000 (27.12.00)

☐ in a notice effecting later election filed with the International Bureau on:

2. The election ☒ was
☐ was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No.: (41-22) 740.14.35	Authorized officer Kiwa Mpay Telephone No.: (41-22) 338.83.38
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PATENT COOPERATION TREATY

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From the INTERNATIONAL BUREAU

To:

FURUYA, Kaoru
 Hamacho-Hanacho Building 6th Floor
 2-17-8, Nihonbashi-Hamacho
 Chuo-ku, Tokyo 103-0007
 JAPON


NOTIFICATION CONCERNING
 SUBMISSION OR TRANSMITTAL
 OF PRIORITY DOCUMENT

(PCT Administrative Instructions, Section 411)

Date of mailing (day/month/year) 02 November 2000 (02.11.00)	
Applicant's or agent's file reference 00028PCT	IMPORTANT NOTIFICATION
International application No. PCT/JP00/04670	International filing date (day/month/year) 12 July 2000 (12.07.00)
International publication date (day/month/year) Not yet published	Priority date (day/month/year) 26 July 1999 (26.07.99)
Applicant KAO CORPORATION et al	

1. The applicant is hereby notified of the date of receipt (except where the letters "NR" appear in the right-hand column) by the International Bureau of the priority document(s) relating to the earlier application(s) indicated below. Unless otherwise indicated by an asterisk appearing next to a date of receipt, or by the letters "NR", in the right-hand column, the priority document concerned was submitted or transmitted to the International Bureau in compliance with Rule 17.1(a) or (b).
2. This updates and replaces any previously issued notification concerning submission or transmittal of priority documents.
3. An asterisk(*) appearing next to a date of receipt, in the right-hand column, denotes a priority document submitted or transmitted to the International Bureau but not in compliance with Rule 17.1(a) or (b). In such a case, the attention of the applicant is directed to Rule 17.1(c) which provides that no designated Office may disregard the priority claim concerned before giving the applicant an opportunity, upon entry into the national phase, to furnish the priority document within a time limit which is reasonable under the circumstances.
4. The letters "NR" appearing in the right-hand column denote a priority document which was not received by the International Bureau or which the applicant did not request the receiving Office to prepare and transmit to the International Bureau, as provided by Rule 17.1(a) or (b), respectively. In such a case, the attention of the applicant is directed to Rule 17.1(c) which provides that no designated Office may disregard the priority claim concerned before giving the applicant an opportunity, upon entry into the national phase, to furnish the priority document within a time limit which is reasonable under the circumstances.

<u>Priority date</u>	<u>Priority application No.</u>	<u>Country or regional Office or PCT receiving Office</u>	<u>Date of receipt of priority document</u>
26 July 1999 (26.07.99)	11/211070	JP	14 Sept 2000 (14.09.00)
06 Apr 2000 (06.04.00)	2000/104720	JP	14 Sept 2000 (14.09.00)
29 June 2000 (29.06.00)	2000/196030	JP	14 Sept 2000 (14.09.00)

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. (41-22) 740.14.35	Authorized officer Carlos Naranjo  Telephone No. (41-22) 338.83.38
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PATENT COOPERATION TREATY

PCT

NOTICE INFORMING THE APPLICANT OF THE
COMMUNICATION OF THE INTERNATIONAL
APPLICATION TO THE DESIGNATED OFFICES

(PCT Rule 47.1(c), first sentence)

From the INTERNATIONAL BUREAU

To:

FURUYA, Kaoru
Hamacho-Hanacho Building 6th Floor
2-17-8, Nihonbashi-Hamacho
Chuo-ku, Tokyo 103-0007
JAPON

RECEIVED

01.2.13

FURUYA&CO.

Date of mailing (day/month/year) 01 February 2001 (01.02.01)		IMPORTANT NOTICE	
Applicant's or agent's file reference 00028PCT			
International application No. PCT/JP00/04670	International filing date (day/month/year) 12 July 2000 (12.07.00)	Priority date (day/month/year) 26 July 1999 (26.07.99)	
Applicant KAO CORPORATION et al			

1. Notice is hereby given that the International Bureau has communicated, as provided in Article 20, the international application to the following designated Offices on the date indicated above as the date of mailing of this Notice:
US

In accordance with Rule 47.1(c), third sentence, those Offices will accept the present Notice as conclusive evidence that the communication of the international application has duly taken place on the date of mailing indicated above and no copy of the international application is required to be furnished by the applicant to the designated Office(s).

2. The following designated Offices have waived the requirement for such a communication at this time:
CN,EP

The communication will be made to those Offices only upon their request. Furthermore, those Offices do not require the applicant to furnish a copy of the international application (Rule 49.1(a-bis)).

3. Enclosed with this Notice is a copy of the international application as published by the International Bureau on 01 February 2001 (01.02.01) under No. WO 01/07002

REMINDER REGARDING CHAPTER II (Article 31(2)(a) and Rule 54.2)

If the applicant wishes to postpone entry into the national phase until 30 months (or later in some Offices) from the priority date, a demand for international preliminary examination must be filed with the competent International Preliminary Examining Authority before the expiration of 19 months from the priority date.

It is the applicant's sole responsibility to monitor the 19-month time limit.

Note that only an applicant who is a national or resident of a PCT Contracting State which is bound by Chapter II has the right to file a demand for international preliminary examination.

REMINDER REGARDING ENTRY INTO THE NATIONAL PHASE (Article 22 or 39(1))

If the applicant wishes to proceed with the international application in the national phase, he must, within 20 months or 30 months, or later in some Offices, perform the acts referred to therein before each designated or elected Office.

For further important information on the time limits and acts to be performed for entering the national phase, see the Annex to Form PCT/IB/301 (Notification of Receipt of Record Copy) and Volume II of the PCT Applicant's Guide.

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. (41-22) 740.14.35	Authorized officer J. Zähra Telephone No. (41-22) 338.83.38
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4T
Translation

PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 00028PCT	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/JP00/04670	International filing date (day/month/year) 12 July 2000 (12.07.00)	Priority date (day/month/year) 26 July 1999 (26.07.99)
International Patent Classification (IPC) or national classification and IPC A61K 7/32, 7/00, 7/06, A61L 9/01		
Applicant KAO CORPORATION		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of _____ sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 27 December 2000 (27.12.00)	Date of completion of this report 04 July 2001 (04.07.2001)
Name and mailing address of the IPEA/JP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/JP00/04670

I. Basis of the report

1. With regard to the elements of the international application:*

- ☒ the international application as originally filed
- ☐ the description:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☐ the claims:
pages _____, as originally filed
pages _____, as amended (together with any statement under Article 19
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☐ the drawings:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/JP 00/04670

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	4, 6, 7, 16	YES
	Claims	1-3, 5, 8-15, 17, 18	NO
Inventive step (IS)	Claims		YES
	Claims	1-18	NO
Industrial applicability (IA)	Claims	1-18	YES
	Claims		NO

2. Citations and explanations

Documents cited

1. JP, 36-9898, B1 (Tadataka Hara), 7 July 1961 (07.07.61)
2. JP, 5-84283, A (Takeda Chemical Industries, Ltd.), 6 April 1993 (06.04.93)
3. US, 4919925, A (Nippon Zeon Co., Ltd.), 24 April 1990 (24.04.90)
4. US, 4405354, A (Thomas II et al.), 20 September 1983 (20.09.83)
5. JP, 8-26957, A (Beiersdorf AG), 30 January 1996 (30.01.96)
6. JP, 56-142206, A (Henkel Kommanditgesellschaft auf Aktien), 6 November 1981 (06.11.81)
7. JP, 54-5041, A (Tokyo Yuki Kagaku Kogyo KK), 16 January 1979 (16.01.79)

Explanation

1. Novelty

The inventions described in Claims 1-3, 5, 8-15, 17 and 18 are not novel over Documents 1-4 and 7 cited in the international search report. The inventions described in Claims 4, 6, 7 and 16 are not disclosed in any of the documents cited in the international search report, and are novel.

The technical feature of the inventions described in Claims 1-3, 5, 8-15, 17 and 18 is the use of a dibasic organic acid having a difference between the first acid dissociation constant and second acid dissociation constant of 1.7 or greater (or salt thereof) as the active ingredient of a deodorant (such dibasic organic acids are referred to hereafter simply as "specific dibasic organic acids"), or application to clothes, the body or the skin of a deodorant comprising such a specified dibasic organic acid in combination with a fragrance. However, Documents 1-4 and 7 have already shown that dibasic organic acids such as maleic acid and 1,2-cyclohexanedicarboxylic acid have a deodorizing action and are used as active ingredients of smell removing agents, deodorants and cosmetics for clothes, the body and skin (see, e.g., the passages cited in the international search report).

The technical features of the inventions described in Claims 4, 6, 7 and 16, on the other hand, are (a) deodorants comprising an aforementioned specified dibasic organic acid, a surfactant and a disinfectant, (b) inclusion of an aforementioned specific dibasic organic acid in hair cosmetics, or (c) filling an aforementioned specific dibasic organic acid into a spray container, and none of the documents specifically mention deodorants or hair cosmetics with these characteristics.

2. Inventive step

The inventions described in Claims 1-18 do not involve an inventive step in the light of Documents 1 to 7, cited in the international search report.

Although as mentioned in 1. above, deodorants or hair cosmetics with aforementioned characteristics (a)-(c) are not specifically mentioned in Documents 1-4 or 7, Document 3 discloses the inclusion of an additional disinfectant and emulsifier (with a substance acting as a

surfactant commonly being used) together with a deodorizing ingredient; Documents 1-4 and 7 disclose deodorant compositions or cosmetic compositions including deodorizing compounds, and Documents 5 and 6 disclose filling a deodorizing ingredient into a suitable spray container to give a deodorizing hair cosmetic (see especially Document 3, column 3, line 36, Document 5, page 5, column 8, lines 2-5 and line 11, Document 6, page 4, lower right column to page 5, upper left column, and Document 7, page 2, upper right column, line 16).

Therefore, presentation of deodorants containing a specified dibasic organic acid as disclosed in Document 1-4 or 7 as a deodorant or hair cosmetic having characteristics (a) to (c) does not involve special inventive skill of a person skilled in the art.

Moreover, providing said characteristics (a)-(c) does not offer any special advantageous effect that would not be expected by a person skilled in the art from disclosures in Documents 1-7.

Therefore, taking into account the claims which lack novelty as indicated in 1. above, the inventions described in Claims 1-18 of this application do not involve an inventive step in the light of Documents 1-7.

3. Industrial applicability

The industrial applicability of the inventions described in Claims 1-18 is indicated by Documents 1-7, which disclose related art.

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国際予備審査報告

(法第12条、法施行規則第56条)
[PCT36条及びPCT規則70]

REC'D 20 JUL 2001

WIPO

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出願人又は代理人 の書類記号 00028PCT	今後の手続きについては、国際予備審査報告の送付通知（様式PCT/ IPEA/416）を参照すること。	
国際出願番号 PCT/JPO0/04670	国際出願日 (日.月.年) 12.07.00	優先日 (日.月.年) 26.07.99
国際特許分類 (IPC) Int. Cl ⁷ A61K 7/32, 7/00, 7/06, A61L 9/01		
出願人 (氏名又は名称) 花王株式会社		

1. 国際予備審査機関が作成したこの国際予備審査報告を法施行規則第57条 (PCT36条) の規定に従い送付する。
2. この国際予備審査報告は、この表紙を含めて全部で 4 ページからなる。
- ☐ この国際予備審査報告には、附属書類、つまり補正されて、この報告の基礎とされた及び/又はこの国際予備審査機関に対してした訂正を含む明細書、請求の範囲及び/又は図面も添付されている。
(PCT規則70.16及びPCT実施細則第607号参照)
この附属書類は、全部で ページである。
3. この国際予備審査報告は、次の内容を含む。
- I ☒ 国際予備審査報告の基礎
- II ☐ 優先権
- III ☐ 新規性、進歩性又は産業上の利用可能性についての国際予備審査報告の不作成
- IV ☐ 発明の単一性の欠如
- V ☒ PCT35条(2)に規定する新規性、進歩性又は産業上の利用可能性についての見解、それを裏付けるための文献及び説明
- VI ☐ ある種の引用文献
- VII ☐ 国際出願の不備
- VIII ☐ 国際出願に対する意見

国際予備審査の請求書を受理した日 27.12.00	国際予備審査報告を作成した日 04.07.01	
名称及びあて先 日本国特許庁 (IPEA/JP) 郵便番号100-8915 東京都千代田区霞が関三丁目4番3号	特許庁審査官 (権限のある職員) 高原 慎太郎 電話番号 03-3581-1101 内線 3452	4C 9053

I. 国際予備審査報告の基礎

1. この国際予備審査報告は下記の出願書類に基づいて作成された。(法第6条(PCT14条)の規定に基づく命令に応答するために提出された差し替え用紙は、この報告書において「出願時」とし、本報告書には添付しない。
PCT規則70.16, 70.17)

☒ 出願時の国際出願書類

- ☐ 明細書 第 _____ ページ、 出願時に提出されたもの
明細書 第 _____ ページ、 国際予備審査の請求書と共に提出されたもの
明細書 第 _____ ページ、 _____ 付の書簡と共に提出されたもの
- ☐ 請求の範囲 第 _____ 項、 出願時に提出されたもの
請求の範囲 第 _____ 項、 PCT19条の規定に基づき補正されたもの
請求の範囲 第 _____ 項、 国際予備審査の請求書と共に提出されたもの
請求の範囲 第 _____ 項、 _____ 付の書簡と共に提出されたもの
- ☐ 図面 第 _____ ページ/図、 出願時に提出されたもの
図面 第 _____ ページ/図、 国際予備審査の請求書と共に提出されたもの
図面 第 _____ ページ/図、 _____ 付の書簡と共に提出されたもの
- ☐ 明細書の配列表の部分 第 _____ ページ、 出願時に提出されたもの
明細書の配列表の部分 第 _____ ページ、 国際予備審査の請求書と共に提出されたもの
明細書の配列表の部分 第 _____ ページ、 _____ 付の書簡と共に提出されたもの

2. 上記の出願書類の言語は、下記に示す場合を除くほか、この国際出願の言語である。

上記の書類は、下記の言語である _____ 語である。

- ☐ 国際調査のために提出されたPCT規則23.1(b)にいう翻訳文の言語
☐ PCT規則48.3(b)にいう国際公開の言語
☐ 国際予備審査のために提出されたPCT規則55.2または55.3にいう翻訳文の言語

3. この国際出願は、ヌクレオチド又はアミノ酸配列を含んでおり、次の配列表に基づき国際予備審査報告を行った。

- ☐ この国際出願に含まれる書面による配列表
☐ この国際出願と共に提出されたフレキシブルディスクによる配列表
☐ 出願後に、この国際予備審査(または調査)機関に提出された書面による配列表
☐ 出願後に、この国際予備審査(または調査)機関に提出されたフレキシブルディスクによる配列表
☐ 出願後に提出した書面による配列表が出願時における国際出願の開示の範囲を超える事項を含まない旨の陳述書の提出があった。
☐ 書面による配列表に記載した配列とフレキシブルディスクによる配列表に記録した配列が同一である旨の陳述書の提出があった。

4. 補正により、下記の書類が削除された。

- ☐ 明細書 第 _____ ページ
☐ 請求の範囲 第 _____ 項
☐ 図面 図面の第 _____ ページ/図

5. ☐ この国際予備審査報告は、補充欄に示したように、補正が出願時における開示の範囲を越えてされたものと認められるので、その補正がされなかったものとして作成した。(PCT規則70.2(c) この補正を含む差し替え用紙は上記1.における判断の際に考慮しなければならず、本報告に添付する。)

V. 新規性、進歩性又は産業上の利用可能性についての法第12条(PCT35条(2))に定める見解、それを裏付ける文献及び説明

1. 見解

新規性(N)	請求の範囲	4, 6, 7, 16	有
	請求の範囲	1-3, 5, 8-15, 17, 18	無
進歩性(IS)	請求の範囲		有
	請求の範囲	1-18	無
産業上の利用可能性(IA)	請求の範囲	1-18	有
	請求の範囲		無

2. 文献及び説明(PCT規則70.7)

<引用文献>

1. JP 36-9898 B1 (原 忠孝), 07.7月.1961(07.07.61)
2. JP 5-84283 A (武田薬品工業株式会社), 06.4月.1993(06.04.93)
3. US 4919925 A (Nippon Zeon Co., Ltd.), 24.4月.1990(24.04.90)
4. US 4405354 A (Thomas, II et al.), 20.9月.1983(20.09.83)
5. JP 8-26957 A (バイヤースドルフ・アクチェンゲゼルシャフト), 30.1月.1996(30.01.96)
6. JP 56-142206 A (ヘンケル・コマンデイトゲゼルシャフト・アウフ・アクティーン), 6.11月.1981(06.11.81)
7. JP 54-5041 A (東京有機化学工業株式会社), 16.1月.1979(16.01.79)

<説明>

1. 新規性について

請求の範囲1-3, 5, 8-15, 17, 18に記載された発明は、国際調査報告で引用された文献1-4, 7から新規性を有しないと認められる。また、請求の範囲4, 6, 7, 16に記載された発明は、国際調査報告で引用されたいずれの文献にも記載されておらず新規性を有するものと認められる。

請求の範囲1-3, 5, 8-15, 17, 18に記載された発明の技術的特徴は、25℃における第1酸解離指数と第2酸解離指数との差が1.7以上である有機二塩基酸(及び/又はその塩)を消臭剤の有効成分となす点(以下、かかる有機二塩基酸を単に「特定の有機二塩基酸」という。)、あるいは、かかる特定の有機二塩基酸を適宜香料と組み合わせる消臭剤を衣料、身体又は皮膚に適用する点にあると認められる。しかしながら、引用文献1-4, 7には、前記「特定の有機二塩基酸」に該当するマレイン酸、1,2-シクロヘキサジカルボン酸等が消臭作用を有し、衣料、身体又は皮膚に適用される消臭剤、デオドラント、化粧料の有効成分として有用であることが既に示されている(必要ならば、各引用文献について国際調査報告で指摘した箇所の記載を参照のこと。)

一方、請求の範囲4, 6, 7, 16に記載された発明の技術的特徴は、(a)前記特定の消臭性有機二塩基酸を界面活性剤又は殺菌剤と併用した消臭剤となす点、(b)同消臭性有機二塩基酸を毛髪化粧料に配合する点、あるいは、(c)前記特定の消臭剤をスプレー式容器に充填する点にあると認められるが、かかる特徴点を具備した消臭剤又は毛髪化粧料はいずれの引用文献にも具体的には示されていない。

補充欄 (いずれかの欄の大きさが足りない場合に使用すること)

第 V 欄の続き

2. 進歩性について

請求の範囲 1-18 に記載された発明は、国際調査報告で引用された文献 1 乃至 7 から進歩性を有しないと認められる。

上記 1. で述べたとおり、前記特徴点 (a) ~ (c) を具備した消臭剤又は毛髪化粧料は、引用文献 1 ~ 4, 7 には具体的に記載されていないが、このうち、文献 3, 7 には、消臭成分に対して殺菌剤、乳化剤 (一般に界面活性作用を有するものが使用される) を追加配合することが、また、文献 1 ~ 4, 7 と同様に消臭性化合物を配合した消臭剤組成物ないしは化粧料組成物を開示する文献 5, 6 には、消臭成分を適宜スプレー容器等に充填することにより消臭性の毛髪化粧料となすことがそれぞれ教示されている (特に、文献 3 第 3 欄第 36 行、文献 5 第 5 頁第 8 欄第 2 ~ 5 行、同欄第 11 行、文献 6 第 4 頁右下欄 ~ 同第 5 頁左上欄、文献 7 第 2 頁右上欄第 16 行の記載等を参照のこと。)。

してみると、文献 1 ~ 4, 7 に示されている特定の有機二塩基酸を含有する消臭剤を、前記 (a) ~ (c) の特徴点を兼備した消臭剤又は毛髪化粧料となす点は当業者であれば通常の創作能力を発揮することによりなし得た事項と認められる。

また、該特徴点 (a) ~ (c) を具備することにより奏されるところの効果が、引用文献 1 乃至 7 に記載の発明からは予測し難い格別のものであるとも認められない。

したがって、上記 1. で新規性が欠如している旨を指摘した請求の範囲を含め、本願の請求の範囲 1-18 に記載された発明は、引用文献 1 乃至 7 に記載された発明に対して進歩性を有しないものと認められる。

3. 産業上の利用可能性について

請求の範囲 1-18 に記載された発明が産業上利用可能であることは、同一乃至類似の技術を開示する引用文献 1 乃至 7 にも示されているとおりである。